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09/833,977	04/12/2001	Simon Viruthakulangara Abraham	Abraham 1	2073

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EXAMINER

BUI, BING Q

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 04/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/833,977

Applicant(s)

ABRAHAM, SIMON  
VIRUTHAKULANGARA

Examiner

Bing Q Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's response filed on Jan 28, 2004. Claims 1-24 are now pending in the present application. **This action is made final.**

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devillier et al (US Pat No. 6,366,661) in view of Bansal et al (US Pat No. 6,208,726), herein after referred as Devillier and Bansal.

**Regarding claim 1**, Devillier teaches a method for alerting an on-line data network user about an incoming call comprising the steps of:

receiving at a voice network resource managed by a communication assistance service entity a request from a caller in said voice network for establishment of a voice network call connection to said on-line user (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57);

collecting call request information (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57);

notifying said on-line user of said call request via said data network (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57);

prompting said on-line user for a call handling action (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57);

collecting a response from said on-line user (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57); and

processing said response such that if said response is to receive said voice network call connection, said on-line user is connected to said caller (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

As it can be seen, Bajzath teaches the invention substantially as claimed, with the exception of providing the method of establishing a call alert charging strategy relative to said caller. However, Bansal teaches when a caller desires to reach a telephone number which is producing a busy signal, the caller can currently dial the operator and for a special charge, have the operator connect the caller into the called party's existing telephone call (see col. 1, lns 12-18). Therefore, integrating Bansal's teachings into the communication assistance system of Devillier would have been obvious for recurring the cost of service.

**Regarding claim 2,** Bansal teaches the receiving step includes receiving said call request at a voice network operator position system managed by a live communication assistance service entity and running a service package application software program (see col. 1, lns 12-18).

**Regarding claim 3,** Devillier teaches the receiving step includes receiving said call request at a voice network operator position system managed by an automated communication assistance service entity and running a service package application software program (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 4,** Devillier teaches the notifying step includes (a) said communication assistance service entity instructing a service package application program running on said voice network resource to issue a call alert request message containing said call request information, (b) a data network server resource being advised of said call alert request message, and (c) said data network server resource

sending a call alert message to a data network client resource associated with said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 5**, Devillier teaches the notifying step further includes said voice network resource sending said call alert request message to an intelligent network resource, and said intelligent network resource issuing a call alert query to said data network server resource (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 6**, Devillier teaches the notifying step further includes said voice network resource indicating to said intelligent network resource that said call alert request message is from said communication assistance service entity and said intelligent network resource issuing said call alert query without billing verification of said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 7**, Devillier teaches the notifying step further includes said voice network resource indicating to said intelligent network resource that said call alert request message is from said communication assistance service entity and said intelligent network resource issuing said call alert query without subscriber verification of said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 8**, Devillier teaches the notifying step further includes said data network server resource sending said call alert message to said data network client resource only upon said on-line user being verified by said data network server to be actively available for call alerting service (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**As to claims 9-10**, they are rejected for the same reasons set forth to rejecting claim 1.

**As to claim 11**, it is rejected for the same reasons set forth to rejecting claims 1-6 above, since claim 11 is merely a system for implementing the method defined in the method claims 1-6.

**As to claims 12-14**, they are rejected for the same reasons set forth to rejecting claims 5-7 above, since claims 12-14 are merely a system for implementing the method defined in the method claims 5-7.

**As to claim 15**, it is rejected for the same reasons set forth to rejecting claim 1 above, since claim 15 is merely a system for implementing the method defined in the method claim 1.

**As to claims 16-17**, they are rejected for the same reasons set forth to rejecting claim 2 above, since claims 16-17 are merely a system for implementing the method defined in the method claim 2.

**As to claims 18-22**, they are rejected for the same reasons set forth to rejecting claims 4-8 above, since claims 18-22 are merely a system for implementing the method defined in the method claims 4-8, respectively.

**As to claims 23-24**, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 23-24 are merely a system for implementing the method defined in the method claim 1.

### ***Response to Arguments***

3. Applicant's arguments filed 01/28/04 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation "an on-line data network user who has not pre-subscribed for automated data network call notification service" has

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not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In addition to the above arguments, Applicant argues that the Devillier's notification system is a subscriber-based service and thus there would have been no motivation or incentive to provide for caller side charge strategy establishment. Examiner respectfully disagrees because nowhere in Devillier showing that the feature of notification service is required to be subscribed by a communication user. As Examiner's understanding however, the term "subscriber" used by Devillier is merely represented for a communication user who uses a speech or data communication service (see column 6, lines 19-33) and it should be understood that this communication service is not necessary a notification service. As a matter of fact, there is no need for subscribing a notification service to get notification related to an incoming call while we are busy on an on-going communication. This scenario can be found in Patent No. 6,047,057 to Weishut et al (see column 1, line 52 – column 2, line 21) or Patent No. 6,208,726 to Bansal et al (see Abstract) or Patent No. 6,310,946 to Bauer et al (see Abstract) previously cited. Therefore, integrating Bansal's teachings into

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communication assistance system of Devillier would have been obvious for recurring the cost of service.

For above reasons, Examiner's ground of rejection is maintained in view of Devillier and Bansal.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamanishi et al (US Pat No. 5,841,853) disclose a system having interrupt call processing capability.

Weishut et al (US Pat No. 6,047,057) disclose a method and system for intruding on a busy called party.




Rosenthal (US Pat No. 6,208,718) disclose an emergency interrupt technique.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Bing Bui  
Mar 27, 2004

  
**AHMAD MATAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**